

CHAPTER 70.

ESTHETICS REGULATIONS

PART I.

GENERAL.

18 VAC 41-70-10. Definitions.

The following words and terms when used in this chapter shall have the following meaning, unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

“Credit Hour” means a combination of the number of hours in class each week and the number of hours per week in a laboratory by which a school may measure its course work. One unit of credit equals one hour of classroom study, two hours of laboratory experience or three hours of internship or practicum or a combination of the three times the number of weeks in the term. Emerging delivery methodologies may necessitate a unit of undergraduate credit to be measured in non-time base methods. These courses shall use the demonstration of competency, proficiency or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

“Direct supervision” means that a Virginia licensed esthetician or master esthetician shall be present in the esthetics spa or esthetics school at all times when services are being performed by a temporary license holder or student.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state or jurisdiction.

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"Licensee" means any individual, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education.

PART II.

ENTRY.

18 VAC 41-70-20. General requirements for an esthetician license or master esthetician license.

A. In order to receive a license as an esthetician or master esthetician, an applicant must meet the following qualifications:

1. The applicant shall be in good standing as a licensed esthetician in every jurisdiction where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as an esthetician. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a esthetician or master esthetician.
2. The applicant shall disclose his physical address. A post office box is not acceptable.

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3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and the board's esthetics regulations.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of nolo contendere shall be considered a conviction for this purpose of this section. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by independent examiners.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia.

Any person completing an approved esthetics training program or a master esthetics training program in a Virginia licensed esthetics school, or a Virginia public school's esthetics program approved by the State Department of Education shall be eligible for the applicable examination.

2. Training outside of the Commonwealth of Virginia.

Any person completing esthetics training that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training to be eligible for examination. If less than the required hours of

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esthetics training was completed, an applicant must submit a certificate, diploma or other documentation acceptable to the board verifying the completion of a substantially equivalent esthetics course and documentation of six months of work experience as an esthetician in order to be eligible for the esthetician examination.

18 VAC 41-70-30. License by endorsement.

Upon proper application to the board, any person currently licensed to practice as an esthetician in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by this chapter may be issued an esthetician license without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-70-20 A.

18 VAC 41-70-40. Examination requirements and fees.

- A. Applicants for initial licensure shall pass both a practical examination and a written examination approved by the board. The examinations may be administered by the board or by a designated testing service.
- B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.
- C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225.00 per candidate.

18 VAC 41-70-50. Reexamination requirements.

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Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

18 VAC 41-70-60. Examination administration.

- A. The examination shall be administered by the board or the designated testing service.

- B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

18 VAC 41-70-70. Esthetician temporary license.

- A. A temporary license to work under the direct supervision of a currently licensed esthetician or master esthetician may be issued only to applicants for initial licensure that the board finds eligible for the applicable examination.

- B. The temporary license shall remain in force for 45 days following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board.

- C. Any person continuing to practice esthetics services after a temporary license has expired may be prosecuted and fined by the Commonwealth under § 54.1-111.A.1 of the Code of Virginia.

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D. No applicant for examination shall be issued more than one temporary license.

18 VAC 41-70-80. Spa license.

A. Any individual wishing to operate an esthetics spa shall obtain a spa license in compliance with § 54.1-704.1 of the Code of Virginia.

B. An esthetics spa license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the spa shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

C. In the event of a closing of an esthetics spa, the owner must notify the board in writing within 30 days of the closing, and return the license to the board.

18 VAC 41-70-90. School license.

A. Any individual wishing to operate an esthetics school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia. All instruction and training of estheticians shall be conducted under the direct supervision of a certified esthetics instructor. All instruction and training of master estheticians shall be conducted under the direct supervision of a certified master esthetics instructor.

B. An esthetics school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

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C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes and obtain a new license.

D. In the event of a school closing, the owner must notify the board in writing within 30 days of the closing, and return the license to the board.

18 VAC 41-70-100. General requirements for an esthetics instructor certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for an esthetics instructor certificate if the person:

1. Holds a current Virginian esthetician license; and

2. Completes one of the following qualifications:

a. Passes a course in teaching techniques at the post-secondary educational level; or

b. Completes an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and passes an examination in esthetics instruction, administered by the board or by a testing service acting on behalf of the board.

3. Persons who (i) make application [within one year after the effective date of this chapter] and (ii) have completed 1 year of documented work experience as an esthetics instructor are not required to complete subdivision 2 of this subsection.

B. Esthetics instructors shall be required to maintain a Virginia esthetician license.

18 VAC 41-70-110. General requirements for a master esthetics instructor certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a master esthetics instructor certificate if the person:

1. Holds a current Virginia master esthetician license; and

2. Completes one of the following qualifications:

a. Passes a course in teaching techniques at the post-secondary educational level; or

b. Completes an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and passes an examination in esthetics instruction, administered by the board or by a testing service acting on behalf of the board.

3. Persons who (i) make application [within one year after the effective date of this chapter] and (ii) have completed 1 year of documented work experience as a master esthetics instructor are not required to complete subdivision 2 of this subsection.

B. Master esthetics instructors shall be required to maintain a Virginia master esthetician license.

PART III.

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FEES.

18 VAC 41-70-120. Fees.

The following fees apply:

<u>FEE TYPE</u>	<u>AMOUNT DUE</u>	<u>WHEN DUE</u>
<u>Individuals:</u>		
<u>Application</u>	<u>\$55</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$55</u>	<u>With application</u>
<u>Renewal:</u>	<u>\$55</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$110*</u> <u>*includes \$55 renewal fee and \$55 reinstatement fee</u>	<u>With reinstatement application</u>
<u>Instructors:</u>		
<u>Application</u>	<u>\$60</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$60</u>	<u>With application</u>
<u>Renewal</u>	<u>\$60</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$120*</u> <u>*includes \$60 renewal fee and \$60 reinstatement fee</u>	<u>With reinstatement application</u>
<u>Spas:</u>		
<u>Application</u>	<u>\$90</u>	<u>With application</u>
<u>Renewal</u>	<u>\$90</u>	<u>With renewal card prior to</u>

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		<u>expiration date</u>
<u>Reinstatement</u>	<u>\$180*</u> <u>*includes \$90 renewal fee and</u> <u>\$90 reinstatement fee</u>	<u>With reinstatement application</u>
<u>Schools:</u>		
<u>Application</u>	<u>\$120.00</u>	<u>With application</u>
<u>Renewal</u>	<u>\$120.00</u>	<u>With renewal card prior to</u> <u>expiration date</u>
<u>Reinstatement</u>	<u>\$240*</u> <u>*includes \$120 renewal fee</u> <u>and \$120 reinstatement fee</u>	<u>With reinstatement application</u>

18 VAC 41-70-130. Refunds.

All fees are nonrefundable and shall not be prorated.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-70-140. License renewal required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

18 VAC 41-70-150. Notice of renewal.

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The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

18 VAC 41-70-160. Failure to renew.

- A. When a licensed individual or entity fails to renew its license within 30 days following its expiration date, the licensee shall apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.
- B. When an esthetician or master esthetician fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, and shall pass the Board's current examination. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18 VAC 41-70-70.
- C. When an esthetics spa fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.
- D. The application for reinstatement for an esthetics school shall provide the reasons for failing to renew prior to the expiration date, and a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school by the Department of

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Professional and Occupational Regulation and if the school's records are maintained in accordance with 18 VAC 41-70-230 and 18 VAC 41-70-240. Upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

When an esthetics school fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

F. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

G. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

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H. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

PART V.
ESTHETICS SCHOOLS.

18 VAC 41-70-170. Applicants for school license.

Any person, firm, or corporation desiring to operate an esthetics school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

18 VAC 41-70-180. General requirements.

A. An esthetics school shall:

1. Hold a school license for each and every location.
2. Hold a spa license if the school receives compensation for services provided in its clinic.
3. Staff.
 - a. For esthetics courses employ a staff of licensed and certified esthetics instructors or licensed and certified master esthetics instructors.

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b. For master esthetics courses employ a staff of licensed and certified master esthetics instructors.

4. Develop individuals for entry level competency in esthetics.

5. Submit its curricula for board approval. Esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18 VAC 41-70-190 B. Master esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18 VAC 41-70-190 C.

6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the spa in plain view of the public.

7. Classroom instruction must be conducted in an area separate from the clinic area where practical instruction is conducted and services are provided.

8. Practical instruction must be completed in the school's clinic area.

18 VAC 41-70-190. Curriculum and hours of instruction requirements.

A. Each esthetics school shall submit with its application a curriculum including, but not limited to, a course syllabus, a detailed course content outline, a sample of five lessons plans, a sample of evaluation methods to be used, and a breakdown of hours or credit hours and performances for all courses to be taught that will lead to licensure or certification.

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B. The esthetics curriculum and hours of instruction shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation and business topics– minimum of 25 hours of instruction.

- a. School policies;
- b. Management;
- c. Sales, inventory and retailing;
- d. Taxes and payroll;
- e. Insurance;
- f. Client records and confidentiality; and
- g. Professional ethics and practices.

2. Laws and regulations – minimum of 10 hours of instruction.

3. General sciences – minimum of 80 hours of instruction.

- a. Bacteriology;
- b. Microorganisms;
- c. Infection control, disinfection, sterilization;
- d. Occupational Safety and Health Administration (OSHA) requirements;
- e. Material Safety Data Sheet (MSDS);
- f. General procedures and safety measures;
- g. Cosmetic chemistry;
- h. Products and ingredients; and
- i. Nutrition.

4. Applied sciences - minimum of 95 hours of instruction.

- a. Anatomy and physiology;
- b. Skin structure and function;

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- c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin.

- 5. Skin care – minimum of 255 hours of instruction.
 - a. Health screening;
 - a. Skin analysis and consultation;
 - b. Facial effleurage movements and manipulations;
 - c. Cleansings procedures;
 - d. Masks;
 - e. Extraction techniques;
 - f. Machines, equipment and electricity;
 - g. Manual facials and treatments;
 - h. Machine, electrical facials and treatments; and
 - i. General procedures and safety measures.

- 6. Makeup – minimum of 65 hours of instruction.
 - a. Setup, supplies and implements;
 - b. Color theory;
 - c. Consultation;
 - d. General and special occasion application;
 - e. Camouflage;
 - f. Application of false lashes and lash extensions;
 - g. Lash and tinting;
 - h. Lash perming;
 - i. Lightning of the hair on body except scalp; and
 - j. General procedures and safety measures.

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7. Body and other treatments – minimum of 20 hours of instruction.

- a. Body treatments;
- b. Body wraps;
- c. Body masks;
- d. Body scrubs;
- e. Aromatherapy; and
- f. General procedures and safety measures.

8. Hair removal – minimum of 50 hours of instruction.

- a. Types of hair removal;
- b. Wax types;
- c. Tweezing;
- d. Chemical hair removal;
- e. Mechanical hair removal; and
- f. General procedures and safety measures.

C. The master esthetics curriculum and hours of instruction shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation, advanced business subjects, and infection control. – minimum of 45 hours of instruction.

- a. School policies and procedures;
- b. Professional ethics and practices;
- c. Ethics and professional conduct;
- d. Insurance and liability issues;
- e. Confidentiality and Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA);

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- i. Machine parts, operation, protocols, care, waste disposal and safety;
 - j. Practical application and consultation for crystal microdermabrasion;
 - k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning;
and
 - l. Pre treatment and post treatment for microdermabrasion.

- 5. Advanced procedures and chemical exfoliation – minimum of 270 hours of instruction.
 - a. Advanced skin analysis and consultation and health screening and documentation;
 - b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light device (IPL);
 - c. Advanced manual, machine, and electric treatments, microcurrent, ultrasound;
 - d. Introduction to chemical exfoliation and peels of the epidermis;
 - e. Fundamentals of skin care associated with chemical exfoliation and peels and wound healing;
 - f. Pre treatment and post treatment for chemical exfoliation and peels;
 - g. Assessing suitability and predicting chemical exfoliation efficacy;
 - h. General practical application and consultation protocols;
 - i. Practical application and consultation for enzymes, herbal exfoliations, and vitamin based peels;
 - j. Indications and contraindications for enzymes, herbal exfoliations, and vitamin based peels;
 - k. General procedures and safety measures for herbal exfoliations, and vitamin based peels;
 - l. Pre treatments and post treatments for herbal exfoliations, and vitamin based peels;
 - m. Practical application and consultation for alpha hydroxy peels;
 - n. Indications and contraindications for alpha hydroxy peels;
 - o. General procedures and safety measures for alpha hydroxy peels;
 - p. Pre treatment and post treatment for alpha hydroxy peels;
 - q. Practical application and consultation for beta hydroxy peels;

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- r. Indications and contraindications for beta hydroxy peels;
 - s. General procedures and safety measures for beta hydroxy peels;
 - t. Pre treatment and post treatment for beta hydroxy peels;
 - u. Practical application and consultation for Jessner and Modified Jessner peels;
 - v. Indications and contraindications for Jessner and Modified Jessner peels;
 - w. General procedures and safety measures for Jessner and Modified Jessner peels;
 - x. Pre treatment and post treatment for Jessner and Modified Jessner peels;
 - y. Practical application and consultation for trichloroacetic acid peels;
 - z. Indications and contraindications for trichloroacetic acid peels;
 - aa. General procedures and safety measures for trichloroacetic acid peels; and
 - bb. Pre treatment and post treatment for trichloroacetic acid peels.
6. Lymphatic drainage – minimum of 120 hours of instruction.
- a. Introduction to lymphatic drainage;
 - b. Tissues and organs of the lymphatic system;
 - c. Functions of the lymphatic system;
 - d. Immunity;
 - e. Etiology of edema;
 - f. Indications and contraindications for lymphatic drainage;
 - g. Lymphatic drainage manipulations and movements;
 - h. Face and neck treatment sequence;
 - i. Lymphatic drainage on the trunk and upper extremities;
 - j. Lymphatic drainage on the trunk and lower extremities;
 - k. Cellulite;
 - l. Using lymphatic drainage effleurage with other treatments; and
 - m. Machine aided lymphatic drainage.

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D. A licensed esthetics school with an approved esthetics program may conduct an assessment of a student's competence in esthetics and, based on the assessment, give a maximum of 300 hours credit towards the requirements specified in subsection B of this section and 18 VAC 41-70-200 A. A licensed esthetics school with an approved master esthetics program may conduct an assessment of a student's competence in master esthetics and, based on the assessment, give a maximum of 300 hours credit towards the requirements specified in subsection C of this section and 18 VAC 41-70-200 B.

E. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include, but not be limited to, the following

- a. Orientation;
- b. Curriculum;
- c. Course outline and development;
- d. Lesson planning;
- e. Classroom management;
- f. Teaching techniques;
- g. Methods of instruction;
- h. Learning styles;
- i. Learning disabilities;
- j. Teaching aids;
- k. Developing, administering and grading examinations;
- l. School administration;
- m. Record keeping;
- n. Laws and regulations;
- o. Presentation of theoretical subjects;
- p. Presentation of practical subjects;

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- q. Supervision of clinic floor; and
- r. Practicum teaching.

18 VAC 41-70-200. Practical performance requirements.

A. The curriculum for estheticians shall include the following minimum practical performances:

<u>Consultations, cleansings and analysis of face and body</u>	<u>35</u>
<u>Manual facials and treatments</u>	<u>65</u>
<u>Machine or electrical facials and treatments</u>	<u>50</u>
<u>Body treatments and back treatments</u>	<u>20</u>
<u>Makeup</u>	<u>25</u>
<u>Hair Removal</u>	<u>25</u>
<u>TOTAL</u>	<u>220</u>

B. The curriculum for master estheticians shall include the following minimum performances:

<u>Advanced treatments</u>	<u>40</u>
<u>Microdermabrasion</u>	<u>50</u>
<u>Chemical exfoliation</u>	<u>75</u>
<u>Lymphatic drainage treatments</u>	<u>50</u>
<u>TOTAL</u>	<u>215</u>

18 VAC 41-70-210. School equipment.

- A. For an esthetics course, an esthetics school must have at least 1 treatment table, 1 magnifier lamp, 1 steamer, 1 adjustable stool, and 1 table for instruments and products for each 2 students enrolled in the class.

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- B. For each procedure taught in the esthetics curriculum, the esthetics school must have at least 1 set of the applicable equipment for each 3 students enrolled in the class.
- C. For a master esthetics course, an esthetics school must have at least 1 treatment table, 1 woods lamp, 1 adjustable stool, and 1 table for instruments and products for each 2 students enrolled in the class.
- D. For each procedure taught in the master esthetics curriculum, the esthetics school must have at least 1 set of the applicable equipment for each 6 students enrolled in the class.

18 VAC 41-70-220. School identification.

Each esthetics school approved by the board shall identify itself to the public as a teaching institution.

18 VAC 41-70-230. Records.

- A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.
- B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.
- C. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.

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D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.

18 VAC 41-70-240. Hours reported.

Within 30 days of the closing of a licensed esthetics school, for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-70-250. Scope of practice.

A. Each licensed spa or school shall ensure that no licensee or student performs any service beyond the scope of practice for the esthetician or master esthetician license.

B. For chemical exfoliation of the epidermis by a licensed master esthetician, the standards for use of an exfoliator or concentration of acids shall be:

a. Jessner and Modified Jessner solution;

b. Trichloroacetic acid less than 20%;

c. Non-prescriptive alpha hydroxyl acids;

d. Non-prescriptive beta hydroxyl acids;

e. Non-prescriptive, commercially available products used in accordance with manufacturer's written instructions;

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- f. Vitamin based acids;
- g. Enzymes; or
- h. Herbal exfoliators.

18 VAC 41-70-260. Display of license.

- A. Each licensed spa or school shall ensure that all current licenses and temporary licenses issued by the board shall be displayed in the reception area of the spa or school in plain view of the public. Duplicate licenses or temporary licenses shall be posted in a like manner in every spa or school location where the regulant provides services.
- B. All licensees and temporary license holders shall operate under the name in which the license or temporary license is issued.

18 VAC 41-70-270. Sanitation and safety standards for spas, and schools.

- A. Sanitation and safety standards.
 - 1. Any spa or school where esthetics services are delivered to the public must be clean and sanitary at all times.
 - 2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.

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3. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall insure that all employees likewise comply.

B. General sanitation and safety requirements.

1. All furniture, walls, floors, and windows shall be clean and in good repair;
2. The floor surface in the immediate work area must be of a washable surface other than carpet. The floor must be kept clean, free of hair, dropped articles, spills and electrical cords;
3. Walls and ceilings in the immediate work area must be in good repair, free of water seepage and dirt;
4. A fully functional bathroom with a working toilet and sink must be available for clients. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. There must be antibacterial soap and clean individual towels for the client's use;
5. General areas for client use must be neat and clean;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee;
7. Electrical outlets shall be covered by plates;
8. The spa area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air; and

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9. Adequate lighting shall be provided.

C. Equipment sanitation.

1. Service chairs, wash basins, sinks, showers, tubs, tables, and workstations shall be clean. Floors shall be kept free of waste materials. Instruments shall be cleaned and disinfected after every use and stored free from contamination;

2. The top of workstands shall be kept clean;

3. The work area shall be free of clutter, trash, and any other items which may cause a hazard;

4. Equipment shall be placed so as to prevent any accidental injury to the client or licensee; and

5. Electrical appliances and equipment shall be in safe working order at all times.

D. Articles, tools and products.

1. Any multi-use article, tool or product which cannot be cleansed or disinfected is prohibited from use;

2. Soiled implements must be removed from the tops of work stations immediately after use;

3. Clean spatulas, other clean tools, or clean disposable gloves shall be used to remove bulk substances from containers;

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4. A clean spatula shall be used to remove creams or other products from jars. Cosmetic containers shall be recovered after each use;
5. All appliances shall be safely stored;
6. Pre-sanitized tools and implements, linens and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;
7. Soiled towels, linens and implements shall be deposited in a container made of cleanable materials and separate from those that are clean;
8. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall be used to check bleeding; and
9. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the spa or school in accordance with the guidelines of the Virginia Department of Health and OSHA (Occupational Safety and Health Administration).

E. Chemical storage and emergency information.

1. Spas and schools shall have in the immediate working area a binder with all Material Safety Data Sheets (MSDS) provided by manufacturers for any chemical products used;
2. Spas and schools shall have a blood spill clean-up kit in the work area;
3. Flammable chemicals shall be stored in a non-flammable storage cabinet or a properly ventilated room; and

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4. Chemicals that could interact in a hazardous manner (oxidizers, catalysts and solvents) shall be separated in storage.

F. Client health guidelines.

1. All employees providing client services shall cleanse their hands with an antibacterial product prior to providing services to each client;
2. All employees providing client services shall wear gloves while providing services when exposure to bloodborne pathogens is possible;
3. No spa or school providing esthetics services shall have on the premises esthetics products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in esthetics products;
4. No product shall be used in a manner that is disapproved by the U.S. Food and Drug Administration (FDA); and
5. Esthetics spas must be in compliance with current building and zoning codes.

- G. In addition to any requirements set forth in this section, all licensees and temporary license holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational and Safety Division of the Virginia Department of Labor and Industry.

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H. All spas and schools shall immediately report the results of any inspection of the spa, or school by the Virginia Department of Health as required by Virginia Code Section 54.1-705.

I. All spas and schools shall conduct a self-inspection on an annual basis and maintain a self-inspection form on file for 5 years, so that it may be requested and reviewed by the board at its discretion.

18 VAC 41-70-280. Grounds for license revocation, probation, or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

A. The board may, in considering the totality of the circumstances, fine any licensee, certificate holder, or temporary license holder, and to suspend, place on probation, or revoke or refuse to renew or reinstate any license, certificate, or temporary license, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:

1. The licensee, certificate holder, temporary license holder, or applicant is incompetent, or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as an esthetician;
2. The licensee, certificate holder, temporary license holder, or applicant is convicted of fraud or deceit in the practice or teaching of esthetics;
3. The licensee, certificate holder, temporary license holder, or applicant attempted to obtain, obtained, renewed or reinstated a license certificate, or temporary license by false or fraudulent representation;

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4. The licensee, certificate holder, temporary license holder, or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any esthetician may practice or offer to practice;

5. The licensee, certificate holder, temporary license holder, or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, certificate holder's, temporary license holder's, applicant's, or owner's possession or maintained in accordance with this chapter;

6. A licensee, certificate holder, or temporary license holder fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or temporary license. The board shall not be responsible for the licensee's, certificate holder's, or temporary license holder's failure to receive notices, communications and correspondence caused by the licensee's, certificate holder's, or temporary license holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;

7. The licensee, certificate holder, temporary license holder, or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;

8. The licensee, certificate holder, temporary license holder, or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or temporary license in connection with a disciplinary action in any other jurisdiction or of any license or temporary license which has been the subject of disciplinary action in any other jurisdiction; or

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9. The licensee, certificate holder, temporary license holder, or applicant has been convicted or found guilty in any jurisdiction of any misdemeanor or felony. Any plea or nolo contendere shall be considered a conviction for the purpose of this section. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt.

10. The licensee, certificate holder, temporary license holder, or applicant fails to notify the board in writing within 30 days that the licensee, certificate holder, temporary license holder, or applicant has pleaded guilty or nolo contendere or was convicted and found guilty of any misdemeanor or felony.

B. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:

1. An instructor of the approved school fails to teach the curriculum as provided for in this chapter;

2. The owner or director of the approved school permits or allows a person to teach in the school without a applicable current esthetics instructor certificate or master esthetics instructor certificate; or

3. The instructor, owner or director is guilty of fraud or deceit in the teaching of esthetics.

C. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any esthetics spa or impose a fine as permitted by law, or both, if the board finds that:

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1. The owner or operator of the spa fails to comply with the sanitary requirements of an esthetics spa provided for in this chapter or in any local ordinances; or

2. The owner or operator allows a person who has not obtained a license or a temporary license to practice as an esthetician or master esthetician.

D. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of esthetics.